

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 23, 2016

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.
Absent – Crane, Perry. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Sabrina Castellanos,
Page.

3RD ORDER

Approval of Journal

February 23, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

February 22, 2016

Mr. Speaker:

I return herewith enrolled [H 446](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 446](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 22, 2016

Mr. Speaker:

I transmit herewith [SCR 145](#), [SCR 146](#), [S 1248](#), [S 1262](#), and [S 1231](#) which have passed the Senate.

NOVAK, Secretary

[SCR 145](#), [SCR 146](#), [S 1248](#), [S 1262](#), and [S 1231](#) were filed for first reading.

February 22, 2016

Mr. Speaker:

I return herewith [HCR 31](#) which has passed the Senate.

NOVAK, Secretary

[HCR 31](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER

Report of Standing Committees

February 23, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 352](#), [H 359](#), [H 360](#), and [H 376](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 352](#), [H 359](#), [H 360](#), and [H 376](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 478](#), [H 512](#), and [HCR 41](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 478](#), [H 512](#), and [HCR 41](#) were filed for second reading.

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 406](#) and report it back with amendments attached to be placed on General Orders for consideration.

LUKER, Chairman

[H 406](#) was placed on General Orders for consideration.

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 469](#) and [H 499](#) and recommend that they do pass.

ANDRUS, Chairman

[H 469](#) and [H 499](#) were filed for second reading.

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 43](#) and recommend that it do pass.

THOMPSON, Chairman

[HCR 43](#) was filed for second reading.

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 343](#) and recommend that it do pass.

PALMER, Chairman

[H 343](#) was filed for second reading.

February 22, 2016

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 513](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 513](#) was placed on General Orders for consideration.

February 23, 2016

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 526](#) and recommend that it do pass.

DEMORDAUNT, Chairman

[H 526](#) was filed for second reading.

February 23, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 497](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 497](#) was filed for second reading.

[H 522](#), held at the Desk February 19, 2016, was referred to the Judiciary, Rules, and Administration Committee.

[H 523](#), held at the Desk February 19, 2016, was referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

[SCR 145](#) and [SCR 146](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 528

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE TESTING OF SEXUAL ASSAULT EVIDENCE KITS; PROVIDING LEGISLATIVE INTENT; AND AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2919, IDAHO CODE, TO PROVIDE THAT THE IDAHO STATE POLICE FORENSIC SERVICES LABORATORY SHALL TEST SEXUAL ASSAULT EVIDENCE KITS, TO PROVIDE DUTIES FOR HEALTH CARE FACILITIES, TO PROVIDE DUTIES FOR LOCAL LAW ENFORCEMENT, TO PROVIDE PROCEDURES FOR THE LABORATORY FOR TESTING KITS, TO PROVIDE FOR RETENTION OF KITS, TO PROVIDE FOR INDEPENDENT REVIEW OF KITS IN CERTAIN INSTANCES, TO PROVIDE RULEMAKING AUTHORITY, TO PROVIDE THAT IDAHO STATE POLICE FORENSIC SERVICES SHALL PROVIDE KITS TO CERTAIN PARTIES, TO PROVIDE REPORTING AND AUDITING REQUIREMENTS FOR UNTESTED KITS, TO PROVIDE FOR VICTIM NOTIFICATION, TO PROVIDE FOR REPORTING REQUIREMENTS AND TO DEFINE A TERM.

HOUSE BILL NO. 529

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CONTINUOUS IMPROVEMENT PLANS AND TRAINING; AMENDING SECTION 33-320, IDAHO

CODE, TO PROVIDE AN ADDITIONAL REQUIREMENT FOR ANNUAL CONTINUOUS IMPROVEMENT PLANS, TO DEFINE A TERM AND TO CLARIFY CERTAIN SCORES.

HOUSE BILL NO. 530

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE THAT PERSONAL TELEPHONE NUMBERS AND ELECTRONIC MAILING ADDRESSES FILED PURSUANT TO ELECTIONS OR LOBBYIST AND CAMPAIGN FINANCE LAWS ARE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 531

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO AGRICULTURAL FACILITIES AND OPERATIONS; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7043, IDAHO CODE, TO PROHIBIT CERTAIN ACTS REGARDING AGRICULTURAL FACILITIES AND OPERATIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO CLARIFY THAT SPECIFIED PROVISIONS SHALL NOT BE CONSTRUED TO LIMIT A COURT'S POWER TO ORDER RESTITUTION OR TO LIMIT CIVIL ACTIONS AND REMEDIES AND TO PROVIDE FOR SEVERABILITY.

[H 528](#), [H 529](#), [H 530](#), and [H 531](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1248](#), by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1262](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1231](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER

Second Reading of Bills and Joint Resolutions

[S 1270](#) and [S 1271](#), by Finance Committee, were read the second time by title and filed for third reading.

[H 331](#), as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

[HCR 28](#), as amended, and [H 356](#), as amended, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

[H 462](#), as amended, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[H 491](#), as amended, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

11TH ORDER**Third Reading of Bills and Joint Resolutions**

Mr. Palmer asked unanimous consent that [H 444](#) be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 492](#) and [H 493](#) retain their places on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [HCR 38](#) be placed at the top of the Third Reading Calendar until Wednesday, March 2, 2016. There being no objection, it was so ordered.

[H 454](#) - UNDERGROUND FACILITIES

[H 454](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 454](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Bateman, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, DeMordaunt, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Miller, Nielsen, Nye, Packer, Pence, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Smith, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 54.

NAYS – Barbieri, Batt, Dayley, Dixon, Harris, McMillan, Mendive, Monks, Moyle, Nate, Palmer, Scott, Sims, Troy. Total – 14.

Absent – Crane, Perry. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 454](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 472](#) - LICENSE PLATES

[H 472](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Troy to open debate.

The question being, "Shall [H 472](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Crane, Perry. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 472](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 495](#) - ALCOHOL VIOLATIONS

[H 495](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gannon to open debate.

The question being, "Shall [H 495](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Crane, Perry. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 495](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 464](#) - STATE TREASURER

[H 464](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [H 464](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Crane, Perry. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 464](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 458 - EDUCATION

H 458 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harris to open debate.

The question being, "Shall H 458 pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Crane, Malek, Perry. Total – 3.

Total – 70.

Whereupon the Speaker declared that H 458 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 459 - EDUCATION

H 459 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Horman to open debate.

Pursuant to Rule 38(3), Mr. Nate disclosed a conflict of interest regarding H 459.

The question being, "Shall H 459 pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Thompson, Troy, Trujillo, VanOrden, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 62.

NAYS – Andrus, Loertscher, McMillan, Monks, Smith, Vander Woude. Total – 6.

Absent – Crane, Perry. Total – 2.

Total – 70.

Whereupon the Speaker declared that H 459 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 473 - MILITARY

H 473 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kauffman to open debate.

The question being, "Shall H 473 pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Crane, Perry. Total – 2.

Total – 70.

Whereupon the Speaker declared that H 473 passed the House. Title was approved and the bill ordered transmitted to the Senate.

HCR 35 - LOGGING

HCR 35 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Malek to open debate.

The question being, "Shall HCR 35 be adopted?"

Whereupon the Speaker declared HCR 35 adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER
Announcements**

Announcements were made to the body.

**16TH ORDER
Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 24, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:03 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk